

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA :

v. :

Case No. 1:10CR313-01

JOSHUA BEHROUZ NABATKHORIAN, :

Defendant. :

MOTION TO DELAY SURRENDER DATE

COMES NOW, the Defendant Joshua Behrouz Nabatkhorian, by counsel, who moves this Court to allow an amendment to the previously imposed conditions of release to grant permission for Mr. Nabatkhorian to delay the date that he is to begin serving his sentence, now scheduled for Wednesday, May 18, 2011, and in support thereof states as follows:

1. On February 25, 2011, this Court sentenced the Defendant, Joshua Behrouz Nabatkhorian, to a period in custody of the Bureau of Prisons of five (5) years. Currently, Mr. Nabatkhorian is to begin serving this sentence on May 18, 2011.

2. As the Court is aware, Mr. Nabatkhorian is now subject to post sentence supervised release, monitored by Probation Officer Paul Arnett. As a condition of probation, Mr. Nabatkhorian is prohibited from having unsupervised contact with minors, except for his children. This Court granted Mr. Nabatkhorian's request to return home pending the May 18, 2011 surrender date and he has been compliant and without problems on probation.

3. Unfortunately, Mr. Nabatkhorian's minor son E.N. is ill. For the past eight (8) weeks, E.N. has been vomiting and experiencing constant, severe stomach aches

and pain. The Nabatkhoriants have consulted with several specialists, as late as May 11, 2011, and the diagnosis remains unknown. Attached is a letter from Benjamin Enav, M.D., describing the extent of E.N.'s health condition. Mr. Nabatkhorian hopes to receive some information about his son's condition in the near future and needs to assist his wife with the treatment that may be required. As this Court may remember, the Nabatkhoriants have four minor children including E.N., making it extremely difficult for Mrs. Nabatkhorian to care for all of the children, and provide the special attention to E.N.'s condition that is needed without Mr. Nabatkhorian's help.

4. Mr. Nabatkhorian is prepared to surrender on May 18 and thoroughly understands his obligation to surrender and begin serving his sentence on that date. Despite his actions, Mr. Nabatkhorian is dedicated to caring for his children. The severity and undefined nature of E.N.'s health condition is unexpected. Mr. Nabatkhorian does not make this request lightly and would not bring this motion before the Court if his son's medical condition was not serious. Mr. Nabatkhorian respectfully asks this Court for an additional fourteen (14) days to allow him to tend to his son's medical condition, with a requirement that he report to the Court in ten (10) days for a status hearing. At that point, Mr. Nabatkhorian's surrender date can be advanced given E.N.'s condition.

5. Counsel spoke with Assistant United States Attorney John Eisinger, Esquire, who does not oppose a delay of a week or two.

WHEREFORE, the Defendant, Joshua Nabatkhorian, by counsel, moves this Court to allow an amendment to the previously imposed conditions of release granting

permission for him to delay the date in which he will surrender and begin serving his sentence.

JOSHUA BEHROUZ NABATKHORIAN  
By Counsel

GREENSPUN, SHAPIRO, DAVIS & LEARY, P.C.

BY: /s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2011, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to the following:

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